

COMMONWEALTH OF MASSACHUSETTS

State Building Code (780 CMR) Appeals Board

Board's Ruling on Appeal¹

Docket No. 08-666

Appellant(s): William Sloan **vz.** **Appellee(s):** City/Town of Melrose
representing Temple Beth Shalom, Melrose MA Paul Johnson

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 705.3, for 21 East Foster Street, Melrose, MA a.k.a. Temple Beth Shalom. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on November 25, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant, representing Temple Beth Shalom, appeared and testified for the hearing. Others were present as well as shown on the sign in sheet on file at the Department of Public Safety.

Discussion

After testimony was heard a motion was made to grant the Appellant's request for a variance from 780 CMR 705.3 and allow windows to be installed in the wall adjacent to the lot line that abuts the Congregational Retirement Homes. A letter from Chairman David P. Henry of the Board of Directors, dated October 26, 2008, stated that they had no objection to the granting of the variance. There was a second on the motion and a board vote was taken. The vote was 2 to 1 in favor of the motion. Dana Haagensen voted against the motion.

Conclusion

The Appellant's request for a variance from 780 CMR 705.3, is hereby granted and so ordered² on this date: November 25, 2008.

Douglas Sample 200

Douglas Semple

Dana Haagen

Dana Haagensen

Stanley D. H. L.

Alexander MacLeod